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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,193	01/31/2001	Anand Naga Babu	AUS9-2000-0697-US1	4496

7590 05/19/2004

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EXAMINER
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GOLD, AVI M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/773,193

Applicant(s)

BABU ET AL.

Examiner

Avi Gold

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.6.7.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This action is responsive to the application filed January 31, 2001. Claims 1-36 are pending. Claims 1-36 represent a system and method for handling location information.

#### *Specification*

1. The disclosure is objected to because of the following informalities: status of related applications needs to be updated. Appropriate correction is required.

#### *Double Patenting*

2. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

3. Claims 1 and 4 provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1, 6, 10, 12, 16, 17, 21, 23, 27, 28, and 32 of copending Application No. 09/773194. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

#### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Willehadson et al., International Publication Number WO 01/31965.

Willehadson teaches the invention as claimed including locating a particular user when multiple sources of information are available providing information of different kinds on the locations of users (see abstract).

Regarding claim 1, a method for handling location information, said method comprising:

acquiring location data regarding a user from a plurality of location sources (pg. 3, lines 23-28; Willehadson discloses location information for a particular user);

creating a collection of said location data regarding said user (pg. 4, lines 4-13; Willehadson discloses a list of all currently available and valid location information);

ranking items in said collection according to expected utility (pg. 4, lines 4-13; Willehadson discloses most recent location information in the list is chosen as a first choice); and

updating said location data continuously (pg. 4, lines 4-13; Willehadson discloses the use of the most recent location information).

Regarding claim 2, the method of claim 1, further comprising;

filtering data in said collection to remove misleading data (pg. 10, lines 6-16; Willehadson discloses the location agent trusting calendar location information over badge location).

Regarding claim 3, the method of claim 1, further comprising:  
consolidating data in said collection to determine the most likely location of said user (pg. 3, lines 37-40; pg. 4, lines 1-3; Willehadson discloses the true location of a user).

Regarding claim 4, the method of claim 1, wherein:  
said acquiring further comprises acquiring location data regarding more than one user (pg. 3, lines 23-28; pg. 1, lines 3-6; Willehadson discloses locations of users);  
said creating further comprises creating collections of said location data regarding more than one user, organized by user (pg. 4, lines 4-13; pg. 1, lines 3-6);  
and  
said ranking further comprises ranking items in said collections regarding more than one user, according to expected utility (pg. 4, lines 4-13; pg. 1, lines 3-6).

Regarding claim 5, the method of claim 4, further comprising:  
filtering data in said collections to remove misleading data (pg. 10, lines 6-16; pg. 1, lines 3-6).

Regarding claim 6, the method of claim 4, further comprising: consolidating data in said collections to determine the most likely locations of said users (pg. 3, lines 37-40; pg. 4, lines 1-3; pg. 1, lines 3-6).

Claims 7-36 do not teach or define any new limitations above claims 1-6 and therefore are rejected for similar reasons.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,684,250 to Anderson et al.

U.S. Pat. No. 6,091,959 to Souissi et al.

U.S. Pat. No. 5,878,126 to Velamuri et al.

U.S. Pat. No. 6,456,931 to Polidi et al.

U.S. Pat. No. 6,477,387 to Jackson et al.

U.S. Pat. No. 5,659,596 to Dunn et al.

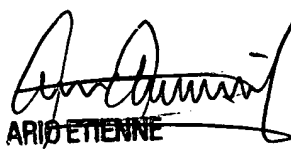
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 703-305-8762.

The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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